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EXAMINER

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3626

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 8/18/06. Claim 2 has been cancelled. Claims 1, 13, 19, 20, 23-25 and 33 have been amended. Claims 1 and 3-34 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte et al. (5,970,464; hereinafter Apte), in view of DeTore et al. (4,975,840; hereinafter DeTore).

(A) As per currently amended claim 1, Apte discloses a method for predicting the profitability of an insurance policy comprising the steps of:

- (1) gathering policyholder data including premium and loss data for storing in a database (Apte: abstract; col. 1, lines 53-60; col. 9, lines 29-36; Fig. 1-14);
- (2) identifying external data sources directed to at least one of business level data and household demographics data, the external data sources having a plurality of external variables to be used in predicting the profitability of the insurance policy (Apte: col. 3, lines 5-19; Fig. 1-14);
- (3) associating the external variables with the policyholder data (Apte: abstract; col. 1, lines 53-67; Fig. 1-14); and
- (4) creating an individually weighted multivariate statistical model based on said individual external predictive variables (Apte: abstract; col. 3, lines 44-53; col. 6, line 44-col. 7, line 17; Fig. 1-14).

Apte, however, fails to *expressly* disclose a method for predicting the profitability of an insurance policy comprising the steps of:

- (5) evaluating the associated external variables against the policyholder data to identify the individual external variables predictive of the insurance policy's profitability.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses a method for predicting the profitability of an insurance policy comprising the steps of:

- (5) evaluating the associated external variables against the policyholder data to identify the individual external variables predictive of the insurance policy's profitability (DeTore: abstract; col. 7, lines 9-23; col. 15, lines 42-59; Fig. 1-12); and

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(B) As per original claim 3, Apte fails to *expressly* disclose the method of claim 1 further comprising the steps of creating individual records in the database for each policyholder and populating each individual record with premium and loss data,

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business name, address and zip code for each policyholder and the associated external variables.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 1 further comprising the steps of creating individual records in the database for each policyholder and populating each individual record with premium and loss data, business name, address and zip code for each policyholder and the associated external variables (DeTore: abstract; col. 4, lines 21-35; col. 17, line 62-col. 19, line 13; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(C) As per original claim 4, Apte fails to *expressly* disclose the method of claim 1 further comprising the step of associating at least one individual external variable with the individual records based on a unique data key associated with at least one external data source.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 1 further comprising the step of associating at least one individual external variable with the individual records based on a unique data key associated with at least one external data source (DeTore: abstract; col. 4, lines 36-col. 6, line 3; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(D) As per original claim 5, Apte fails to *expressly* disclose the method of claim 1 further comprising the step of normalizing the policyholder data in the database.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 1 further comprising the step of normalizing the policyholder data in the database (DeTore: abstract; col. 15, lines 42-59; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(E) As per original claim 6, Apte discloses the method of claim 5 wherein the normalizing step further comprises the step of premium manualization, the step of loss trending and the step of loss capping (Apte: abstract; Fig. 1-14; Examiner also notes Applicant's admission in the background of the invention of the present application (10/054,702) that premium manualization is a commonly practiced technique.).

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(F) As per original claim 7, Apte discloses the method of claim 1 wherein the external data sources include external variables for geographic factors (Apte: abstract; col. 3, lines 6-col. 4, line 54; Fig. 1-14).

The Examiner has noted insofar as claim 7 recites "include external variables for at least one of geographic factors, business stability and weather patterns," geographic factors has been recited.

(G) As per original claim 8, Apte fails to *expressly* disclose the method of claim 1 wherein the step of evaluating the external variables further comprises the step of examining the external variables for cross-correlation against one another in order to eliminate repetitive external variables.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 1 wherein the step of evaluating the external variables further comprises the step of examining the external variables for cross-correlation against one another in order to eliminate repetitive external variables (DeTore: abstract; col. 15, lines 42-59; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

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(H) As per original claim 9, Apte discloses the method of claim 1 further comprising the step of dividing the data in the database into a validation data set for evaluating the predictiveness of the statistical model (Apte: abstract; col. 3, line 60-col. 4, line 1; Fig. 1-14).

Apte, however, fails to *expressly* disclose the method of claim 1 further comprising the step of dividing the data in the database into a training data set for developing the statistical model, and a testing data set for refining the statistical model.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 1 further comprising the step of dividing the data in the database into a training data set for developing the statistical model, and a testing data set for refining the statistical model (DeTore: abstract; col. 6, lines 10-21; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(I) As per original claim 10, Apte discloses the method of claim 1 wherein the step of identifying the external variables predictive of an insurance policy's profitability further includes the steps of:

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- (1) calculating for each policyholder the loss ratio based on the normalized policyholder data (Apte: abstract; col. 1, lines 53-60; col. 9, lines 29-36; Fig. 1-14);
- (2) defining a subgroup from the policyholder data (Apte: abstract; col. 1, lines 53-60; Fig. 1-12);
- (3) calculating a cumulative loss ratio for the subgroup (Apte: abstract; col. 9, lines 29-43; Fig. 1-14); and
- (4) performing a statistical analysis to identify statistical relationships between individual external variables and the cumulative loss ratio for the subgroup (Apte: abstract; col. 9, lines 29-43; Fig. 1-14).

Apte, however, fails to *expressly* disclose the method of claim 1 wherein the step of identifying the external variables predictive of an insurance policy's profitability further includes the steps of:

- (5) normalizing the policyholder data.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 1 wherein the step of identifying the external variables predictive of an insurance policy's profitability further includes the steps of:

- (5) normalizing the policyholder data (DeTore: abstract; col. 15, lines 42-59; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

- (J) As per original claim 11, Apte fails to *expressly* disclose the method of claim 10 wherein the identified predictive external variables are examined for cross-correlations against one another.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 10 wherein the identified predictive external variables are examined for cross-correlations against one another (DeTore: abstract; col. 15, lines 42-59; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

- (K) As per original claim 12, Apte fails to *expressly* disclose the method of claim 10 wherein the statistical model is created using multivariate methods to produce

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coefficients for each of the external predictive variables and the coefficients represent the contribution of the each of the external predictive variables to an overall score (DeTore: abstract; col. 4, lines 36-53; Fig. 1-12).

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 10 wherein the statistical model is created using multivariate methods to produce coefficients for each of the external predictive variables and the coefficients represent the contribution of the each of the external predictive variables to an overall score (DeTore: abstract; col. 4, lines 36-53; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(L) As per currently amended claim 13, Apte discloses a method for creating a statistical model that generates a score representative of the profitability of an insurance policy for at least one of a new policyholder and an existing policyholder, comprising the steps of:

- (1) gathering historical policyholder data including loss and premium data (Apte: abstract; col. 1, lines 53-60; col. 9, lines 29-36; Fig. 1-14);

- (2) identifying external data sources having a plurality of external variables, each external variable having a value (Apte: col. 3, lines 5-19; Fig. 1-14);
- (3) calculating a loss ratio for each policyholder in the database based on the working data (Apte: abstract; col. 1, lines 53-60; col. 9, lines 29-36; Fig. 1-14);
- (4) calculating a cumulative loss ratio for a defined group of policyholders in the database (Apte: abstract; col. 1, lines 53-60; col. 9, lines 29-36; Fig. 1-14); and
- (5) an individually weighted multivariate statistical model (Apte: col. 6, lines 46-60).

Apte, however, fails to *expressly* disclose a method for creating a statistical model that generates a score representative of the profitability of an insurance policy for at least one of a new policyholder and an existing policyholder, comprising the steps of:

- (6) applying actuarial transformation to the policyholder data to generate working data;
- (7) performing a statistical analysis that investigates the relationship of each external variable and the cumulative loss ratio for the defined group to identify external variables that are predictive of the profitability of the insurance policy; and

- (8) utilizing the predictive external variables identified in the previous step to develop a statistical model that generates a score predictive of the profitability of the insurance policy.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses a method for creating a statistical model that generates a score representative of the profitability of an insurance policy for at least one of a new policyholder and an existing policyholder, comprising the steps of:

- (6) applying actuarial transformation to the policyholder data to generate working data (DeTore: abstract; col. 16, lines 20-34; Fig. 1-12);
- (7) performing a statistical analysis that investigates the relationship of each external variable and the cumulative loss ratio for the defined group to identify external variables that are predictive of the profitability of the insurance policy (DeTore: abstract; col. 4, lines 36-53; Fig. 1-12); and
- (8) utilizing the predictive external variables identified in the previous step to develop a statistical model that generates a score predictive of the profitability of the insurance policy (DeTore: abstract; col. 4, lines 36-53; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of

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providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(M) As per original claim 14, Apte fails to *expressly* disclose the method of claim 13 wherein the statistical model is used to score at least one of an existing policyholder and a new policyholder in order to determine the premium for a commercial insurance policy.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 13 wherein the statistical model is used to score at least one of an existing policyholder and a new policyholder in order to determine the premium for a commercial insurance policy (DeTore: abstract; col. 4, lines 36-53; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(N) As per original claim 15, Apte discloses the method of claim 13 further comprising the steps of manualizing the premium data, modifying long tail losses and capping large losses (Apte: abstract; Fig. 1-14; Examiner also notes Applicant's admission in the background of the invention of the present application (10/054,702) that premium manualization is a commonly practiced technique.).

(O) As per claim 16, Apte fails to *expressly* disclose the method of claim 13 further comprising the step of binning together similar values of an external variable having multiple values.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the method of claim 13 further comprising the step of binning together similar values of an external variable having multiple values (DeTore: abstract; col. 15, lines 42-59; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(P) Original claim 17 substantially repeats the same limitations of claim 8 and is therefore, rejected for the same reason given for claim 8, and incorporated herein.

(Q) Original claim 18 substantially repeats the same limitations of claim 9 and is therefore, rejected for the same reason given for claim 9, and incorporated herein.

(R) Currently amended claim 19 substantially repeats the same limitations of claim 12 and is therefore, rejected for the same reason given for claim 12, and incorporated herein.

(S) Currently amended claim 20 substantially repeats the same limitations of claim 1 and is therefore, rejected for the same reason given for claim 1, and incorporated herein.

(T) Original claim 21 substantially repeats the same limitations of claim 12 and is therefore, rejected for the same reason given for claim 12, and incorporated herein.

(U) As per original claim 22, Apte fails to *expressly* disclose the system of claim 21 wherein the multivariate method includes at least one of multiple regression.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the system of claim 21 wherein the multivariate method includes at least one of multiple regression (DeTore: abstract; col. 5, lines 6-18; Fig. 1-12) (The Examiner has noted insofar as claim 22 recites "includes at least one of multiple regression and generalized linear modeling," multiple regression has been recited.)

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

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(V) Currently amended claim 23 substantially repeats the same limitations of claims 1 and 12 and is therefore, rejected for the same reason given for claims 1 and 12, and incorporated herein.

(W) As per currently amended claim 24, Apte fails to *expressly* disclose the system of claim 23 wherein the means for performing the statistical method comprises a software application that includes algorithms for performing at least one of multivariate statistical methods.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses the system of claim 23 wherein the means for performing a statistical method comprises a software application that includes algorithms for performing at least one of multivariate statistical methods (DeTore: abstract; col. 4, lines 36-53; Fig. 1-12) (The Examiner has noted insofar as claim 24 recites "includes algorithms for performing at least one of multivariate statistical methods, clustering methods, decision tree techniques and neural network techniques," multivariate statistical methods has been recited.).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

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(X) As per currently amended claim 25, Apte discloses a method of performing risk-based pricing of an insurance policy comprising the steps of:

- (1) evaluating the risk associated with issuing the insurance policy based on a profitability score derived from an individually weighted multivariate statistical model generated with historical policyholder premium and loss data and external predictive variables identified from external data sources independent of internal policy holder data of an insurance company issuing the insurance policy (Apte: abstract; col. 1, lines 53-60; col. 9, lines 29-36; col. 6, lines 45-60; Fig. 1-14).

Apte, however, fails to *expressly* disclose a method of performing risk-based pricing of an insurance policy comprising the steps of:

- (2) receiving a request for a price on an insurance policy.

Nevertheless, this feature is old and well known in the art, as evidenced by DeTore. In particular, DeTore discloses a method of performing risk-based pricing of an insurance policy comprising the steps of:

- (2) receiving a request for a price on an insurance policy (DeTore: abstract; col. 17, line 62-col. 19, line 5; Fig. 1-12).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of DeTore with the teachings of Apte with the motivation of providing a method and apparatus for evaluating the insurability of a potentially insurable risk (DeTore: col. 1, lines 55-58).

(Y) Original claim 26 substantially repeats the same limitations of claim 7 and is therefore, rejected for the same reason given for claim 7, and incorporated herein.

(Z) Original claim 27 substantially repeats the same limitations of claim 3 and is therefore, rejected for the same reason given for claim 3, and incorporated herein.

(AA) Original claim 28 substantially repeats the same limitations of claim 8 and is therefore, rejected for the same reason given for claim 8, and incorporated herein.

(BB) Original claim 29 substantially repeats the same limitations of claim 10 and is therefore, rejected for the same reason given for claim 10, and incorporated herein.

(CC) Original claim 30 substantially repeats the same limitations of claim 8 and is therefore, rejected for the same reason given for claim 8, and incorporated herein.

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(DD) Original claim 31 substantially repeats the same limitations of claim 12 and is therefore, rejected for the same reason given for claim 12, and incorporated herein.

(EE) Original claim 32 substantially repeats the same limitations of claim 9 and is therefore, rejected for the same reason given for claim 9, and incorporated herein.

(FF) Original claim 33 substantially repeats the same limitations of claims 13 and 25 and is therefore, rejected for the same reason given for claims 13 and 25, and incorporated herein.

(GG) Original claim 34 substantially repeats the same limitations of claim 1 and is therefore, rejected for the same reason given for claim 1, and incorporated herein.

Response to Arguments

4. Applicant's arguments filed 8/18/06 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 8/18/06.

(A) On page 11 of the 8/18/06 response, Applicant argues that there is no teaching or suggestion in Apte for using any external data sources, or for using predictive

variables obtained from such external data sources, to generate an independently weighted multivariate statistical model.

In response, Examiner notes that Apte teaches a plurality of data sources, "including internal data and *external data*" [emphasis added.] (See Apte: col. 3, lines 7-9). Moreover, Examiner respectfully submits that a broad, yet reasonable, interpretation of Apte, coupled with the teachings of DeTore, *in toto*, teach the use of predictive variables obtained from external data sources to generate an independently weighted multivariate statistical model (See Apte: col. 6, line 45-col. 7, line 23). Lastly, Examiner respectfully submits that the use of various statistical techniques, such as multivariate models, independently weighted multivariate models, univariate models, scaling, regression analyses, etc. are notoriously well known and obvious and have been utilized by insurance artisans prior to Applicant's invention. As such, the aforementioned features claimed by Applicant are deemed insufficient to substantively distinguish Applicant's claimed invention over the prior art.

(B) On page 11 of the 8/18/06 response, Applicant argues that DeTore does not cure the deficiencies of Apte as a reference against claim 1, as amended. Applicant argues further that, even if combined, Apte and DeTore do not teach operating upon external data to create a statistical model utilizing a multivariate statistical approach.

In response, Examiner respectfully submits that this argument has been adequately addressed in section, 4. (A), *supra*.

(C) On page 12 of the 8/18/06 response, Applicant argues that “at no time is external data mined to identify predictor variables and then further processed to assign weights consistent with the data given a statistical analysis.” Applicant also argues that in DeTore, because the input information to this process comes from the application data base, and is thus provided by insurance applicants, it is not even external. Even combining DeTore and Apte, Applicant argues, one would not obtain evaluating the associated external variables against the policyholder data to identify the individual external variables predictive of the insurance policy’s profitability, and creating an individually weighted multivariate statistical model based on the said individual external predictive variables, as is recited in claim 1.

In response, Examiner respectfully submits that Apte does indeed teach the use of external data and identifying predictor values therefrom. For example, Apte teaches that external data is used to develop a statistical model and subsequently developing individualized statistics including predictor values (See Apte: col. 6, lines 45-60). Moreover, Examiner respectfully submits that a broad, yet reasonable, interpretation of Apte, coupled with the teachings of DeTore and knowledge available to a skilled artisan, *in toto*, teach the aforementioned features claimed by Applicant, as previously mentioned in section 4. (A), *supra*.

(D) Applicant’s remaining arguments given in the response filed 8/18/06 rely upon or re-hash the issues addressed above and therefore, are moot in view of the responses given in sections 4. (A)-(C), *supra*, and incorporated herein.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT


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